

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit SUP #2017-0057

Approved by Planning and Zoning: June 1, 2017

Permission is hereby granted to: ATC IV, LLC

to use the premises located at: 2850 Eisenhower Avenue

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

June 1, 2017
Date

KARL MORITZ/AD

Karl Moritz, Director
Department of Planning and Zoning

DATE: 06/01/17

TO: Alex Dambach, Land Use Regulatory Services Division Chief
Department of Planning and Zoning

FROM: Madeleine Sims, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0057
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: ATC IV, LLC
Location: 2850 Eisenhower Avenue
Zone: OCM (100) / Office Commercial Medium (100)

Request

Special Use Permit #2017-0057 is a minor amendment request at an existing restaurant at the Alexandria Tech Center at 2850 Eisenhower Avenue. The establishment is located on the ground floor in the southwestern portion of a ten-story office building. The applicant proposes to increase the amount of indoor seating from 25 to 51 seats, for a total of 65 restaurant seats. No other changes to the operation are proposed.

Background

City Council approved SUP #2012-0023 in May 2012 to the applicant for the operation of a forty-seat restaurant. Staff administratively approved SUP #2013-0028 in 2013 for a minor amendment to increase operating hours, permit on-premises alcohol and add limited live entertainment for the current establishment. The current operation largely serves workers and visitors of the Alexandria Tech Center

On April 13, 2017 staff visited the subject property and found one violation of Special Use Permit #2013-0028, Condition #2, which limits the applicant to 40 seats. The violation subsequently brought the applicant in to file for a minor amendment for additional seating. Staff has not received any complaints that would require staff to docket the special use permit for public hearing.

Parking

Staff does not anticipate parking issues at this location as many customers are working in the office centers already. This property is also subject to a Transportation Management Plan (SUP #2111) which accounts for the uses located within the Alexandria Tech Center.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff Action

Staff does not object to the minor amendment request as the additional seating will create a minimal impact on nearby uses. As described by the applicant, many customers work nearby and expanded seating will provide an amenity to workers. Conditions have been carried over from SUP #2013-0028 to minimize potential impacts such as noise and environmental concerns. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 06/01/17

Action: Approve



Alex Dambach, Land Use Regulatory Services Division Chief

Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2012-0023)
2. **CONDITION AMENDED BY STAFF:** The maximum number of seats at the restaurant shall be 40 65, including both indoor and outdoor seating. (P&Z) (SUP#2012-0023)
3. The hours of operation at the restaurant shall be limited to between 6:00 a.m. and 10 p.m., daily. Meals ordered before 10 p.m. may be sold, but no new patrons may be admitted and no new alcohol may be served, and all patrons must leave by 11 p.m. (P&Z) (SUP #2013-0028)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2012-0023)
5. Limited live entertainment shall be permitted on the second floor of the restaurant in the form of background music for restaurant patrons. No cover or admission fee may be assessed. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. No live entertainment shall be allowed in the outdoor dining area at the restaurant. (P&Z) (SUP #2013-0028)
6. Not more than one delivery vehicle operated by the applicant may be used to deliver food to customers. The delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z)(T&ES) (SUP#2012-0023)
7. Condition deleted by staff (see Condition #3). (SUP #2013-0028)
8. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2012-0023)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2012-0023)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2012-0023)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more

often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2012-0023)

12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2012-0023)
13. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP#2012-0023)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2012-0023)
15. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2012-0023)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2012-0023)
17. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. The applicant shall also provide information about off-street parking and alternative forms of transportation to access the location of the restaurant, via print and electronic promotional materials, posting on the restaurant website, and other similar methods. (P&Z) (T&ES) (SUP#2012-0023)
18. The proposed exhaust vent or fan shall be located as far away as possible from residential properties and in manner as to not impact the intake vent of adjacent businesses or properties. (T&ES) (SUP#2012-0023)
19. The applicant shall post a sign at the front of the building directing patrons to the location of off-street parking to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP#2012-0023)
20. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2012-0023)~~
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery readiness program for all employees. (Police) (SUP#2012-0023)~~

22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP#2012-0023~~)
23. On-premises alcohol service may be allowed, but no off-premises alcohol sales shall be permitted. (P&Z) (SUP #2013-0028)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 The applicant requests the addition of twenty-five seats, totaling 38 indoor seats and 14 outdoor seats. Outdoor dining is exempt from a parking requirement; therefore, at 38 seats the applicant would typically be required to provide 10 parking spaces; however, the applicant's parking is governed by the Carlyle SUP and the applicant is not required to provide more spaces.
- F-2 The applicant currently supplies 6 off-street parking spaces for customers in front of the main Alexandria Tech Center Drive Aisle. The City's Commercial Parking Study, staff recently surveyed the adjacent PenFed garage and found it to be 61% occupied during standard business hours. Staff assumes the adjacent building has similar occupancies.
- F-3 The applicant and staff acknowledge that the majority of patrons utilizing this site are existing office employees who walk to the site.

Code Enforcement:

Health Department:

Parks and Recreation:

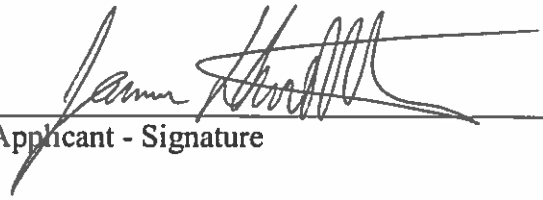
Police Department:

Fire:

- C-1 Due to the number of proposed occupants, a fire prevention permit is required for this location.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0057 The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2850 Eisenhower Avenue.


Applicant - Signature

6/2/17
Date

Jamie Hartnett
Applicant - Printed

6/2/17
Date